



CITY OF CEDAR PARK  
PLANNING & ZONING COMMISSION  
**TUESDAY, November 20, 2012 AT 6:30 P.M.**  
450 CYPRESS CREEK ROAD, BUILDING FOUR  
CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> SCOTT ROGERS, Place 1      | <input type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input type="checkbox"/> JON LUX, Place 4      |
| <input type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input type="checkbox"/> Vacant, Place 7, Vice Chair       | <input type="checkbox"/> HOLLY HOGUE, Place 6, |
| <input type="checkbox"/> MICHAEL DION, Place 3      |  | Secretary                                      |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
3. MINUTES: Approve Minutes from the Regular Meeting of October 16, 2012
4. CITIZEN COMMUNICATIONS (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)
5. CONSENT AGENDA:

A. STATUTORY DISAPPROVAL:

*(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)*

1. Ranch at Brushy Creek Section 3, Amended Plat of Lots 3 and 4, Block B (FPD-12-004)  
0.469 acres, 1 residential lot  
Located at 205/207 North Frontier Lane  
Owner: Charles and Rebecca Glace  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
2. Cedar Park Town Center Preliminary Plan (PP-12-006)  
49.12 acres, 12 commercial lots  
Located at the northwest corner of East Whitestone Boulevard and 183A Toll Road  
Owner: Cedar Park Town Center LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
3. Cedar Park Town Center Final Plat (FP-12-015)  
49.12 acres, 12 commercial lots  
Located at the northwest corner of East Whitestone Boulevard and 183A Toll Road

Owner: Cedar Park Town Center LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove

4. Lakeline at Old Mill (SFP-12-014)  
37.59 acres, 1 commercial lot and 1 condominium residential lot  
Located on the north side of South Lakeline Boulevard at Old Mill Road  
Owner: Milestone Community Builders  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
5. Abrantes Phase 1 (FP-12-016)  
20.54 acres, 29 single family lots, 1 drainage/greenbelt lot, and 3 private street lots  
Located on Arrow Point Drive south of East Whitestone Boulevard  
Owner: Alkire LLP/Creekside Park LTD  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Scottsdale Crossing Entry Road (FP-12-012)  
1.31 acres, right-of-way  
Located at Scottsdale Drive and 183A Toll Road  
Owner: Dennis McDaniel, Pecan Grove-SPVEF, LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
2. Scottsdale Crossing Phase I (FP-12-013)  
9.13 acres, 45 single family lots, 2 landscape/open space lots  
Located at Scottsdale Drive and 183A Toll Road  
Owner: Dennis McDaniel, Pecan Grove-SPVEF, LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
3. Scottsdale Crossing Phase II (FP-12-014)  
7.513 acres, 39 single family lots  
Located at Scottsdale Drive and 183A Toll Road  
Owner: Dennis McDaniel, Pecan Grove-SPVEF, LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
4. Cedar Park One, Section 1, Lot 1, Block Z (SFP-06-013)  
2.06 acres, 1 commercial lot  
Located at the northwest corner of Bagdad Road and Cedar Hills Boulevard  
Owner: Cypress Junction Inc.  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve

5. Buttercup Creek Phase V Section 12 (FP-12-011)  
18.76 acres, 57 single family lots, 1 drainage/park lot  
Located north of Nelson Ranch Loop at Lauren Trail  
Owner: Forestar (USA) Real Estate Group, Inc.  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS: **NONE**
7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS: **NONE**
8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS: **NONE**
9. FUTURE LAND USE PLAN AMENDMENTS: **NONE**
10. SUBDIVISIONS (ACTION AND PUBLIC HEARING):
  - A. New Hope Plaza, Replat of Lot 1, Block A (SFP-12-009)  
4.95 acres, 2 commercial lots  
Located at 1501 East New Hope Drive  
Owner: Walter Blount Investments, LLC  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
    - 1) Public Hearing
    - 2) P&Z Action
  - B. Breakaway Park Section 7 Replat (SFP-12-012)  
5.74 acres, 3 commercial lots  
Located at 12201 West Parmer Lane  
Owner: Mass Project Managers and Consultants  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
    - 1) Public Hearing
    - 2) P&Z Action
  - C. Hur Industrial Park II Section One, Replat of Lot 1 Block A (SFP-12-013)  
18.22 acres, 3 commercial lots  
Located at the northeast corner of Woodall Drive and Hur Industrial Boulevard  
Owner: Hur Enterprises, Inc.  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
    - 1) Public Hearing
    - 2) P&Z Action
  - D. Victory Baptist Church (SFP-11-002)  
14.18 acres, 1 commercial lot  
Located at 1775 East Whitestone Boulevard  
Owner: Victory Baptist Church of Cedar Park Texas

Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve variance and plat  
1) Public Hearing on variance request  
2) P&Z Action on variance request  
3) P&Z Action on subdivision

- E. Abrantes Subdivision Preliminary Plan (PP-12-005)  
61.73 acres, 91 single family lots, 1 commercial lot, 2 drainage/water quality/greenbelt lots, 2 landscape lots, 4 private street lots  
Located on Arrow Point Drive, south of East Whitestone Boulevard  
Owner: Alkire LLP/Creekside Park LTD  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve variance and plat  
1) Public Hearing on private street variance request  
2) P&Z Action on private street variance request  
3) P&Z Action on preliminary plan

11. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): **NONE**

12. DISCUSSION AND POSSIBLE ACTION:

A. Ordinance amendments

1. Discussion and Possible Action on a proposed revision to Chapter 11, Zoning Ordinance, Article 11.02 Zoning Districts and Regulations; to renumber Division 37: Land Use Chart Comparison to Division 38 and to rename Division 37, establishing an Entertainment Center Overlay. (OA-12-005)
2. Discussion and possible action on a proposed revision to Chapter 11 Zoning Ordinance, Article 11.03 Height, Setback and Lot Requirements for All Districts, by deleting Division 2: Variances to Building Setbacks and Lot Standards and revising Article 11.10 Boards and Commissions, Division 1: Board of Adjustment regarding variance criteria. (OA-12-006)
3. Discussion and possible action on a proposed revision to Chapter 12, Subdivision Ordinance, Article 12.12 Design Standards, Section 12.12.010(A)(7) Lot Arrangements regarding flag lots and to Section 12.12.019 Variances to Design Standards to revise variance criteria. (OA-12-006)
4. Discussion and possible action on a proposed revision to Chapter 12, Subdivision Ordinance, Article 12.12 Design Standards, Section 12.12.004 Sidewalks to add a provision for an administrative waiver. (OA-12-009)

13. ADMINISTRATIVE ITEMS:

*(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)*

- A. Director and Staff Comments  
1. Comprehensive Plan Advisory Committee Members  
B. Commissioners Comments  
C. Request for Future Agenda Items  
D. Designate Delegate to Attend Next Council Meetings on November 29<sup>th</sup> and December 13<sup>th</sup>.

14. ADJOURNMENT

*The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.*

*All agenda items are subject to final action by the Planning and Zoning Commission.*

*Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.*

*An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.*

*At the discretion of the Planning and Zoning Commission, non-agenda items may be presented by citizens to the Planning and Zoning Commission for informational purposes; however, by law, the Planning and Zoning Commission shall not discuss, deliberate or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.*

*The City Attorney has approved the Executive Session Items on this agenda, if any.*

CERTIFICATE

I certify that the above notice of the Regular Called Planning and Zoning Commission Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall, 450 Cypress Creek Road, Building Four, Cedar Park, Texas. This notice was posted on:

NOV 16 '12 PM 1:40

Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park City Hall Complex Meeting Rooms are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (512) 401-5002 or Fax (512) 401-5003 for further information.

  
Rawls Howard III  
Development Services Department

Notice Removed: \_\_\_\_\_  
Date Stamped (Month, Day, Year, AM/PM, Time)

MINUTES FOR  
CITY OF CEDAR PARK  
PLANNING & ZONING COMMISSION  
**TUESDAY, OCTOBER 16, 2012 AT 6:30 P.M.**  
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> SCOTT ROGERS, Place 1      | <input checked="" type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input checked="" type="checkbox"/> JON LUX, Place 4      |
| <input checked="" type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input type="checkbox"/> LORENA ECHEVERRIA de Misi,                   | <input checked="" type="checkbox"/> HOLLY HOGUE, Place 6, |
| <input checked="" type="checkbox"/> MICHAEL DION, Place 3      | Place 7, Vice Chair   | Secretary   |

1. CALL TO ORDER, QUORUM DETERMINED; MEETING DECLARED OPEN  
**Chair Kauffman called the meeting to order at 6:30 P.M. He read the "Chairman's Sheet" explaining the meeting procedures. Commissioner Balestiere arrived at 7:04 P.M. after the public hearing in Item 11A. Vice Chair Echeverria de Misi was absent. Five Commissioners were present and a quorum was declared.**
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS  
**Chair Kauffman led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.**
3. MINUTES: Approve Minutes from the Regular Meeting of September 18, 2012  
**It was noted that Item 2 needed to be changed from 'Vice Chair' to 'Chair'. Also Items 9A, 9C, 9D and 9E needed the wording of the vote to be changed from 'vacant' to 'absent'.**  
  
**MOTION: Commissioner Lux moved to approve the Minutes of the Regular Meeting of September 18, 2012 Minutes as amended. Secretary Hogue seconded the motion. The motion passed unanimously, 5-0, with two absent.**
4. CITIZEN COMMUNICATIONS *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)* **None.**
5. CONSENT AGENDA:
  - A. STATUTORY DISAPPROVAL:
    1. Buttercup Creek Ph V Section 12 (FP-12-011)  
18.757 acres 57 single family lots, 1 park, drainage easement, karst lot  
Located Catherine Drive and Allison Way  
Owner: Forestar (USA) Real Estate Group, Inc  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
    2. Scottsdale Crossing Entry Road (FP-12-012)  
1.75 acres, Roadway plat  
Located at Scottsdale Drive and 183A  
Owner: Dennis McDaniel  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
    3. Scottsdale Crossing Phase I (FP-12-013)  
8.85 acres, 45 single family lots, 1 landscape lot

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Located at Scottsdale Drive and 183A  
Owner: Dennis McDaniel  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove

4. Scottsdale Crossing Phase II (FP-12-014)  
7.51 acres, 39 single family lots  
Located at Scottsdale Drive and 183A  
Owner: Dennis McDaniel  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
5. Hur Industrial Park II, Section 1, Replat of Lot 1 Block A (SFP-12-013)  
18.216 acres, 3 commercial lots  
Located at the northeast corner of Woodall Drive and Hur Industrial Boulevard  
Owner: Hur Enterprises  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS: NONE

**MOTION: Commissioner Lux moved to recommend approval of Consent Agenda Items 5A1 through 5A5 as presented. Commissioner Dion seconded the motion. The motion passed unanimously, 5-0, with two absent.**

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS: **NONE**

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS: In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.

A. 620 Self Storage, Z-12-009 (related to item 8A)

B. Dodds Trust, Z-12-016 (related to item 8B)

**MOTION: Commissioner Lux moved to accept the Preliminary Reports for Items 7A and 7B as presented by Staff. Commissioner Dion seconded the motion, and the motion passed unanimously, 5-0, with two absent.**

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by CWT&C LT to rezone approximately 4.09 acres from General Retail (GR) to Commercial Services (CS) for property located north of 12342 Ranch Road 620 North. (Z-12-009)  
Owner: CWT&C LT  
Agent: Daniel Hart, Baker-Aicklen  
Staff Resource Person: Amy Link  
Staff proposal to P&Z: General Retail (GR)
  - 1) Public Hearing
  - 2) P&Z Recommendation to City Council
  - 3) P&Z Adoption of Final Report

**Senior Planner Amy Link made the presentation and was available for questions. The applicant requested Commercial Services (CS) with the intent of expanding the existing self-storage site located south of the subject tract.**

Staff did not support the applicant's request due to the following: 1) The applicant's request is not compliant with the Future Land Use Plan (FLUP). 2) The request does not meet the intent statement of the CS district, as the district, in this context, is "not compatible with office or consumer retail sales", which is the zoning designation surrounding this tract. 3) The request would not support the economic development goals of the comprehensive Plan, specifically those geared toward providing increased sales tax revenues, retail growth and employment generation. 4) The existing self-storage fronting RR 620 is a non-conforming use due to the City's Corridor Overlay requirements. Staff believed that by allowing expansion to the rear of the property for a use that is non-conforming on the front can be viewed as contradictory from a policy standpoint. 5) Despite the depth of the tract from RR 620, staff feels this site could be combined with the existing self-storage site to the south if demolished and redeveloped or incorporated with the land to the east that fronts along Ridgeline Boulevard to create a larger retail development. Staff recommended retention of the General Retail (GR) designation. The applicant was not present.

There was general discussion among the Commissioners concerning setting a bad precedent to expand non-conforming uses.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

**MOTION:** Commissioner Lux moved to recommend disapproval to the City Council of rezoning approximately 4.09 acres from General Retail (GR) to Commercial Services (CS) for property located north of 12342 Ranch Road 620 North (Z-12-009) as recommended by staff. Secretary Hogue seconded the motion and the motion passed unanimously, 5-0, with two absent.

**MOTION:** Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-12-009. Commissioner Rogers seconded the motion and the motion passed unanimously, 5-0, with two absent.

- B. Consider a request by Dodds Trust to assign original zoning of General Retail (GR) to approximately 1.79 acres located at 3400 West Whitestone Boulevard. (Z-12-016)  
Owner: James Richard Dodds Trust  
Agent: Susan London  
Staff Resource Person: Amy Link  
Staff proposal to P&Z: General Retail (GR)  
1) Public Hearing  
2) P&Z Recommendation to City Council  
3) P&Z Adoption of Final Report

Senior Planner Amy Link made the presentation and was available for questions. The applicant requested assigning original zoning of General Retail (GR) for approximately 1.789 acres located at 3400 West Whitestone Boulevard. The GR request is compatible with surrounding land uses/designations and meets the purpose statement of the GR district. It also supports the economic goals of the Comprehensive Plan. Staff recommends approval of the applicant's request for GR zoning. The applicant was not present.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

**MOTION:** Commissioner Lux moved to recommend approval to the City Council of assigning original zoning of approximately 1.79 acres General Retail (GR) for property located at 3400 West

8



**Whitestone Boulevard (Z-12-016)** as recommended by staff. Commissioner Dion seconded the motion and the motion passed unanimously, 5-0, with two absent.

**MOTION:** Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8B, Case Z-12-016. Commissioner Dion seconded the motion and the motion passed unanimously, 5-0, with two absent.

9. **FUTURE LAND USE PLAN AMENDMENTS:**

A. Property north of 12342 RR 620 North (Related to Item 8A)

Senior Planner Amy Link made the presentation and was available for questions. She advised that the Future Land Use Plan (FLUP) amendment had been requested in conjunction with the 620 Self Storage rezoning request (Z-12-009). The applicant requested that the FLUP amend 4.09 acres located north of 12342 RM 620 North from Regional Office/Retail/Commercial to Industrial. Staff did not recommend approval of this request, as it would create an isolated industrial area among retail designated property, inhibiting future growth as a retail node in the region.

**MOTION:** Commissioner Lux moved to recommend disapproval to the City Council of amending the Future Land Use Plan as presented by Staff. Secretary Hogue seconded the motion and the motion passed unanimously, 5-0, with two absent.

10. **SUBDIVISIONS (ACTION AND PUBLIC HEARING): NONE**

11. **CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING):**

A. Wash N Roll Flex Carwash (SDC-12-00002)

1.2 acres, 1 commercial lot

Located at the northwest corner of Parmer Lane and Kenai Drive

Owner: Beckway Construction LLC

Staff Resource: Amy Link

Staff Proposal to P&Z: Approve

1) Public Hearing

2) P&Z Action

Senior Planner Amy Link made the presentation and was available for questions. The applicant requested a conditional use permit for Wash N Roll, a 4,000 square foot carwash located at the northwest corner of Parmer Lane and Kenai Drive. Staff advised that a conditional use may not: 1) unduly negatively affect an adjoining site more than would a permitted use in the base district; 2) unduly negatively affect the safety or convenience of vehicular or pedestrian circulation; or 3) unduly negatively affect an adjacent property or traffic control through the location, lighting or type of a sign. Based upon the information provided, staff believes the conditional use site development plan as proposed does not negatively affect adjoining tracts, safety and convenience of vehicular or pedestrian circulation, or property or traffic control. Staff recommended approval of the conditional use permit for a carwash to be located at the northwest corner of Parmer Lane and Kenai Drive as presented. The applicant was available for questions.

There was general discussion among the Commissioners concerning the reasoning used by staff to determine whether the required three criteria were met.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

**Commissioner Balestiere arrived.**

**MOTION:** Commissioner Lux moved to approve a conditional use permit for a carwash located at the northwest corner of Parmer Lane and Kenai Drive as presented by Staff. Secretary Hogue seconded the motion. The motion passed as follows:

**Yes:** Kauffman, Hogue, Rogers, Dion, Lux

**No:** Balestiere

**Absent:** Echeverria de Misi

**12. DISCUSSION AND POSSIBLE ACTION:**

A. Consider an amendment to the Collector Roadway Plan to include extension of Old Mill Road from Lakeline Boulevard to Little Elm Trail (Engineering Department)

Transportation Planner Tom Gdala made the presentation and was available for questions. The Engineering Department requested the addition of the Old Mill Road extension between Lakeline Boulevard and Little Elm Trail to the City's Roadway Collector Map. Staff recommended approval of this request because adding an internal north-south collector roadway from Old Mill Road north to Cypress Creek Road would help alleviate the congestion at the nearby major intersections by providing options and distributing the internal traveling demands of Cedar Park residents. The City's Collector Map identifies Roadway "F" as #54, a future primary collector roadway segment extending south of Cypress Creek Road just east of City Hall. The Leander Independent School District has completed an elementary school south of Cypress Creek Road which will take access from Little Elm Trail, Orchard Falls and from Roadway "F". A future middle school is planned for the land just east of the new elementary school. Staff recommended the addition of the Old Mill Road extension between Lakeline Boulevard and the southern end of Roadway "F" to Cedar Park's roadway network and Collector Map.

There was general discussion among the Commissioners concerning the need to add the road to the Collector Map at this time. Development Services Director Rawls Howard advised that without the road on the Collector Map, developers would not be required to build the road. City Attorney Charles Rowland advised that adding the extension of the road to the Roadway Collector Map provides a benefit and security to the City that the road would be built during development.

**MOTION:** Commissioner Dion moved to approve amending the Roadway Collector Plan to include the Old Mill Road extension from Lakeline Boulevard to Little Elm Trail as presented by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, with one absent.

B. Approval of the 2013 Planning and Zoning Commission Meeting Calendar

Director Rawls Howard made the presentation and was available for questions. He advised that the Planning and Zoning Commission meetings were scheduled for the third Tuesday of each month.

**MOTION:** Commissioner Lux moved to approve the 2013 Planning and Zoning Commission meeting calendar as presented by Staff. Secretary Hogue seconded the motion and the motion passed unanimously, 6-0, with one absent.

**13. ADMINISTRATIVE ITEMS:**

*(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)*

A. Director and Staff Comments –

Director Rawls Howard advised that the City Council had selected Freese and Nichols as the consultants for the Comprehensive Plan. He advised that a joint meeting with City Council had been tentatively scheduled for November 1<sup>st</sup> concerning the US 183 Redevelopment Plan. He would let them know when the date had been confirmed. He advised that the APA Conference was very informative. Next year it will be held in Galveston. He advised that the Insights workshop would be held after this meeting in the Multi-Purpose Room in Building 3 at 7:30 P.M. No zonings had been submitted for the November meeting. Ordinance amendments will be presented to the Commissioners.

B. Commissioners Comments.

Commissioner Dion advised that there was more emphasis on planning than zoning at the APA Conference. Commissioner Rogers advised that there were a lot of ideas presented on long range planning.

C. Request for Future Agenda Items. **None.**

D. Designate Delegate to Attend Next Council Meetings on October 18<sup>th</sup> and November 8<sup>th</sup>.  
**Commissioner Lux volunteered to attend both Council meetings.**

14. ADJOURNMENT

**Chair Kauffman adjourned the meeting at 7:30 p.m.**

**PASSED AND APPROVED THE 20<sup>TH</sup> DAY OF NOVEMBER, 2012.**

ATTEST:

\_\_\_\_\_  
NICHOLAS KAUFFMAN, Chairman

\_\_\_\_\_  
HOLLY HOGUE, Secretary

November 20,  
2012

Subdivision

*Planning and Zoning Commission*  
**Ranch At Brushy Creek Sec 3, Amended  
Plat of Lots 3 & 4 Blk B**

**Item:#  
5A1**

**Case Number: FPD-12-004**

**OWNER:** Charles and Rebecca Glace

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** 205/207 North Frontier Lane

**COUNTY:** Williamson

**AREA:** 0.469 acres

**ZONING:** Single Family-Large Urban Lot (SF-2)

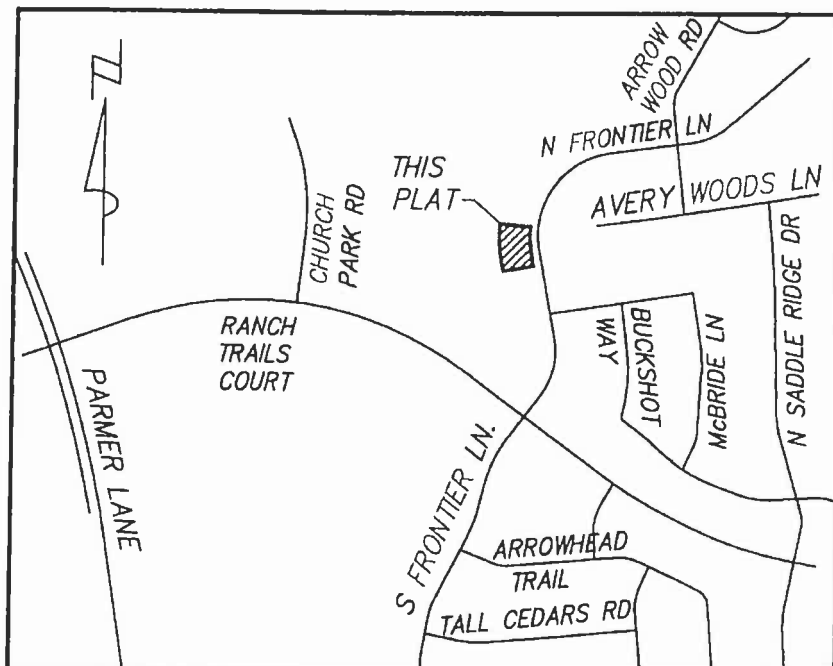
**SUBDIVISION DESCRIPTION:** Amended plat to create 1 residential lot out of 2 existing residential lots.

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**STAFF COMMENTS:**

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



November 20,  
2012

Subdivision

*Planning and Zoning Commission*  
**Cedar Park Town Center Preliminary  
Plan**

**Item:#  
5A2**

**Case Number:** PP-12-006

**OWNER:** Cedar Park Town Center LP

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Northwest corner of East Whitestone Boulevard and 183A Toll Road

**COUNTY:** Williamson

**AREA:** 49.12 acres

**ZONING:** Planned Development (PD)

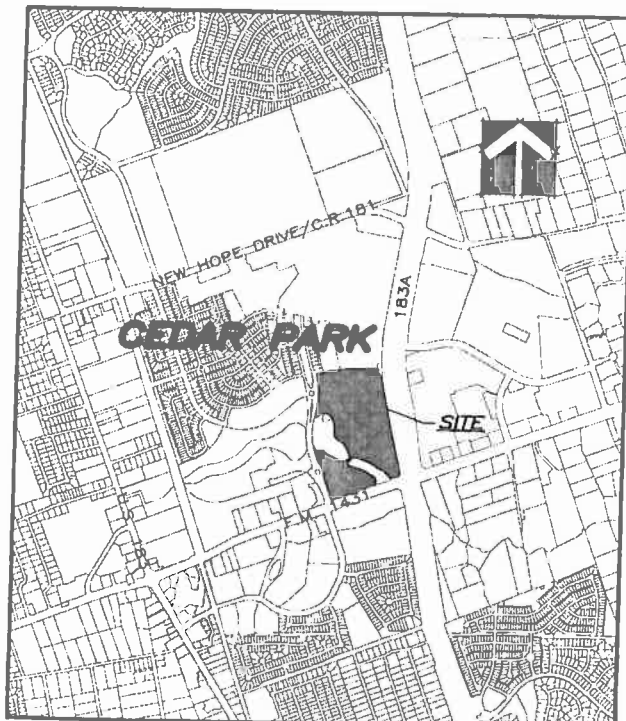
**SUBDIVISION DESCRIPTION:** 12 commercial lots

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**STAFF COMMENTS:**

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



November 20,  
2012

Subdivision

## Planning and Zoning Commission

### Cedar Park Town Center Final Plat

Item:#  
5A3

Case Number: FP-12-015

**OWNER:** Cedar Park Town Center LP

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Northwest corner of East Whitestone Boulevard and 183A Toll Road

**COUNTY:** Williamson

**AREA:** 49.12 acres

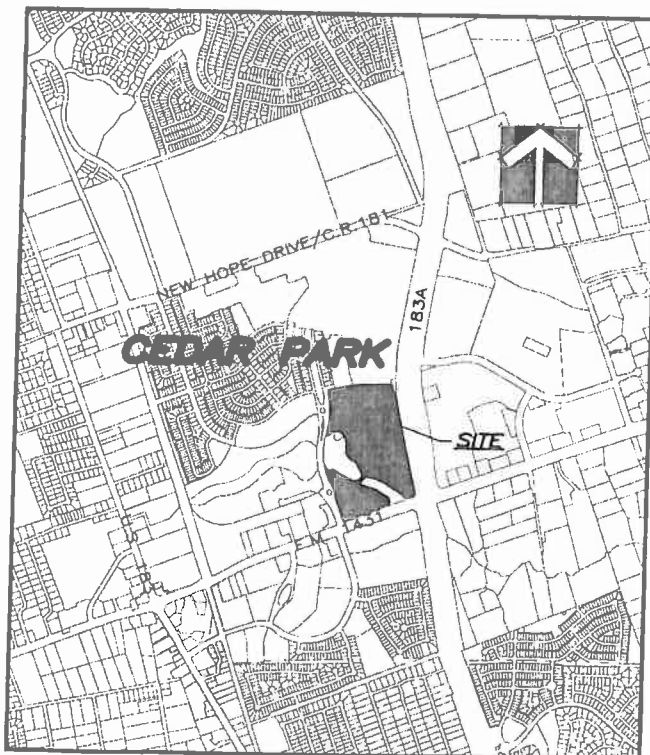
**ZONING:** Planned Development (PD)

**SUBDIVISION DESCRIPTION:** 12 commercial lots

#### **STAFF COMMENTS:**

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



November 20,  
2012  
Subdivision

*Planning and Zoning Commission*  
**Lakeline at Old Mill**

**Item:#  
5A4**

**Case Number:** SFP-12-014

**OWNER:** Milestone Community Builders

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** North side of South Lakeline Boulevard at Old Mill Road

**COUNTY:** Williamson

**AREA:** 37.59 acres

**ZONING:** LR and CD

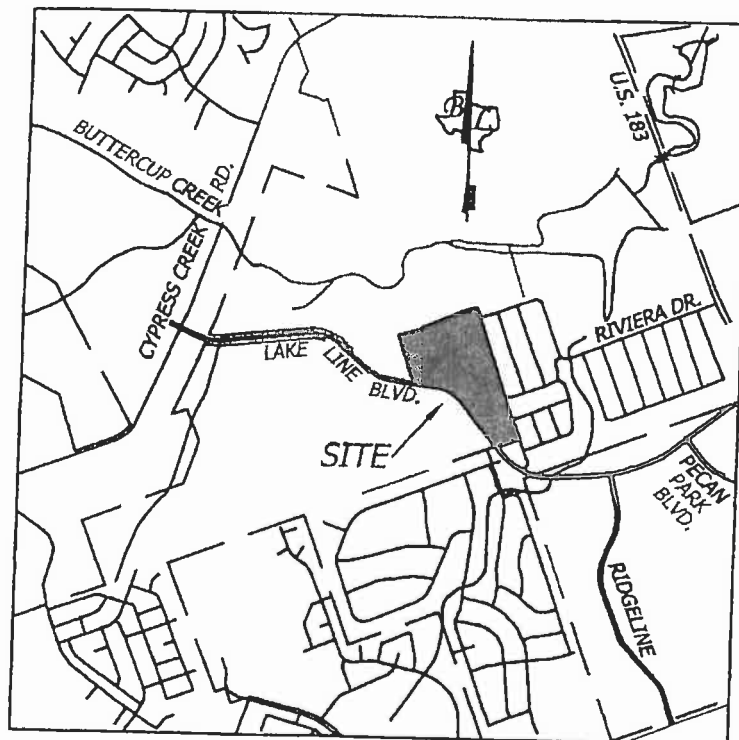
**SUBDIVISION DESCRIPTION:** 1 commercial lot and 1 condominium residential lot

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**STAFF COMMENTS:**

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



November 20,  
2012  
Subdivision

*Planning and Zoning Commission*  
**Abrantes Phase 1**

**Item:#  
5A5**

**Case Number:** FP-12-016

**OWNER:** Alkire LLP/Creekside Park LTD

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** On Arrow Point Drive south of East Whitestone Boulevard

**COUNTY:** Williamson

**AREA:** 20.54 acres

**ZONING:** SF-1

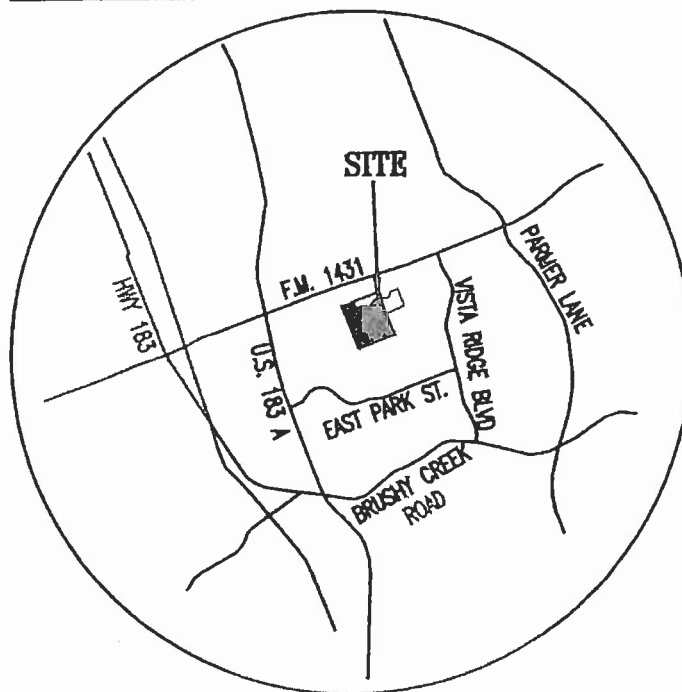
**SUBDIVISION DESCRIPTION:** 29 single family lots, 1 drainage/greenbelt lot and 3 private street lots

---

**STAFF COMMENTS:**

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.





November 20,  
2012

Subdivision

*Planning and Zoning Commission*

**Scottsdale Crossing Entry Road**

**Item:#  
5B1**

**Case Number: FP-12-012**

**OWNER:** Dennis McDaniel, Pecan Grove-SPVEF, LP

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** At Scottsdale Drive and 183A Toll Road

**COUNTY:** Williamson

**AREA:** 1.31 acres

**ZONING:** GR

**SUBDIVISION DESCRIPTION:** Roadway plat

---

**STAFF COMMENTS:**

This plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

Approve

November 20,  
2012

Subdivision

*Planning and Zoning Commission*

**Scottsdale Crossing Phase I**

**Item:#  
5B2**

**Case Number: FP-12-013**

**OWNER:** Dennis McDaniel, Pecan Grove-SPVEF, LP

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Located at Scottsdale Drive and 183A Toll Road

**COUNTY:** Williamson

**AREA:** 9.13 acres

**ZONING:** SF-3

**SUBDIVISION DESCRIPTION:** 45 single family lots, 2 landscape/open space lots

---

**STAFF COMMENTS:**

This plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

Approve

November 20,  
2012

*Planning and Zoning Commission*

Item:#  
5B3

Subdivision

**Scottsdale Crossing Phase II**

**Case Number: FP-12-014**

**OWNER:** Dennis McDaniel, Pecan Grove-SPVEF, LP

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** At Scottsdale Drive and 183A Toll Road

**COUNTY:** Williamson

**AREA:** 7.513 acres

**ZONING:** SF-3

**SUBDIVISION DESCRIPTION:** 39 single family lots

---

**STAFF COMMENTS:**

This plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

Approve

November 20, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	<b>Cedar Park One, Section 1, Lot 1, Block Z</b>	<b>5B4</b>
<b>Case Number: SFP-06-013</b>		

**OWNER:** Cypress Junction Inc.

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** At the northwest corner of Bagdad Road and Cedar Hills Boulevard

**COUNTY:** Williamson

**AREA:** 2.06 acres

**ZONING:** GR

**SUBDIVISION DESCRIPTION:** 1 commercial lot

**STAFF COMMENTS:**

This plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

Approve

November 20,  
2012

Subdivision

# Planning and Zoning Commission

Buttercup Creek Phase V Section 12

Item:#  
5B5

Case Number: FP-12-011

**OWNER:** Forestar (USA) Real Estate Group, Inc

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Catherine Drive and Allison Way

**COUNTY:** Williamson

**AREA:** 18.757 acres

**ZONING:** SF-3

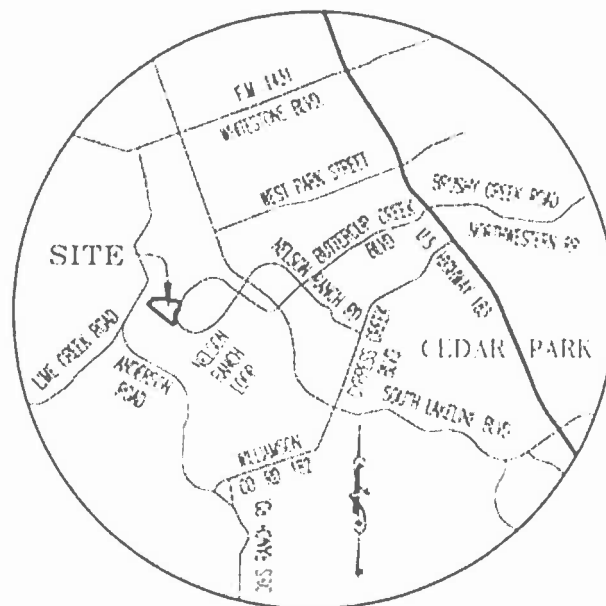
**SUBDIVISION DESCRIPTION:** 57 single family lots, 1 park, drainage easement, karst lot

## **STAFF COMMENTS:**

This plat meets all state and local requirements.

## **STAFF RECOMMENDATION:**

Approve



== LOCATION MAP ==  
N.T.S.

November 20, 2012	<i>Planning and Zoning Commission</i>	Item:# 10A
Subdivision	<b>New Hope Plaza, Replat of Lot 1, Block A</b>	
	<b>SFP-12-009</b>	

**OWNER:** Walter Blount Investments, LLC

**AGENT:** Hugo Elizondo, Cuatro Consultants

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** 1501 East New Hope Drive

**COUNTY:** Williamson

**AREA:** 4.95 acres

**ZONING:** General Retail (GR)

**SUBDIVISION DESCRIPTION:** 2 commercial lots

**STAFF COMMENTS:**

The plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

After holding a public hearing, staff recommends approval of the replat.

November 20, 2012	<i>Planning and Zoning Commission</i>	<b>Item:# 10B</b>
Subdivision	<b>Breakaway Park Section 7, Replat</b>	
	<b>SFP-12-012</b>	

**OWNER:** John West, Mass Project Managers and Consultants

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** 12201 West Parmer Lane

**COUNTY:** Williamson

**AREA:** 5.74 acres

**ZONING:** LR and GO

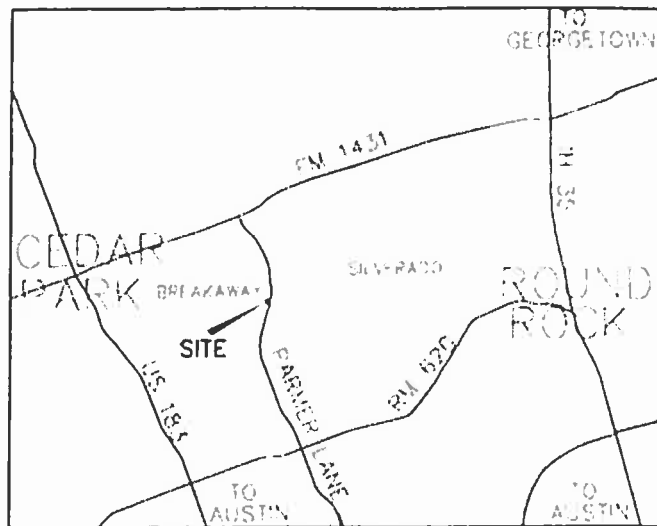
**SUBDIVISION DESCRIPTION:** 3 commercial lots

**STAFF COMMENTS:**

The plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

After conducting a public hearing, staff recommends approval of the replat.



LOCATION MAP  
(N.T.S.)

November 20, 2012	<i>Planning and Zoning Commission</i>	<b>Item:# 10C</b>
Subdivision	<b>Hur Industrial Park II, Section One, Replat of Lot 1 Block A</b>	
	<b>SFP-12-013</b>	

**OWNER:** Hur Enterprises, Inc.

**AGENT:** Linda Tanner, Baker-Aicklen and Associates

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Northeast corner of Woodall Drive and Hur Industrial Boulevard

**COUNTY:** Travis

**AREA:** 18.22 acres

**ZONING:** Light Industrial (LI) and General Retail (GR)

**SUBDIVISION DESCRIPTION:** 3 commercial lots

**STAFF COMMENTS:**

The plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

After conducting a public hearing, staff recommends approval of the replat.



November 20, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	<b>Victory Baptist Church</b>	<b>10D</b>
<b>Case Number: SFP-11-002</b>		

**OWNER:** Victory Baptist Church

**AGENT:** Mark Roeder, Austin Civil Engineering

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** 1775 East Whitestone Boulevard

**COUNTY:** Williamson

**AREA:** 14.18 acres

**ZONING:** GR

**SUBDIVISION DESCRIPTION:** 1 commercial lot

The Victory Baptist Church Subdivision is being presented for approval. Prior to approval of the plat, the Commission must consider a variance to Chapter 12, Subdivision Ordinance, Section 12.12.010(A)(5) Lot Arrangements to allow a lot depth more than three times the lot width.

The lot width, as measured at the building setback line, is approximately 305 feet. The proposed depth of the lot is approximately 1408.54 feet.

Section 12.12.019 is the Subdivision Ordinance's general variance provision states:

(a) The Planning and Zoning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the planning and zoning commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and expected type and volume of traffic.

(b) No variance shall be granted unless the Planning and Zoning commission finds that all of the following are met:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application at the provisions of this chapter would deprive the applicant of the reasonable use of his land; and

(2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants; and

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area (an area encompassing approximately a 200-foot radius); and

November 20, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	<b>Victory Baptist Church</b>	<b>10D</b>
<b>Case Number: SFP-11-002</b>		

(4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter.

(5) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

**Staff Commentary:**

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application at the provisions of this chapter would deprive the applicant of the reasonable use of his land; and

The 10 acre existing tract is currently a legal lot and the applicant wishes to incorporate approximately 4 acres located in the northeast corner of the proposed tract to make one legal lot. The existing 10 acre church lot has been in existence in this configuration since 2003. The property surrounding this tract is legally platted and partially developed. The subject tract is the remaining unplatted acreage in the area.

- (2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and

The applicant wishes to legally subdivide this tract to incorporate the remaining 4 acres located in the northeast corner of the proposed lot. Incorporating the 4 acre parcel into the existing 10 acre parcel will make the entire tract a legal lot, allowing for development of the entire tract in the future.

- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area (an area encompassing approximately a 200-foot radius); and

Granting the variance request will not be detrimental to public health, safety or welfare. The proposed plan will actually remedy an existing illegal tract situation located on the 4 acres at the northeast corner of the proposed lot and create one 14 acre legal lot.

- (4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter.

Granting the variance will actually allow development within the entire 14 acre proposed lot. Currently, the 4 acre parcel located at the northeast corner of the lot could not be developed, as it is considered an illegal lot. By incorporating this acreage into the overall subdivision, all 14 acres will be developable.

November 20, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	<b>Victory Baptist Church</b>	<b>10D</b>
<b>Case Number: SFP-11-002</b>		

- (5) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

Staff believes that the existing configuration of the parcels creates an undue hardship on the applicant. There are no other lot configurations possible for this subdivision.

**Staff Recommendation:**

Staff supports the applicant's request and recommends approval of the lot depth variance and subsequently, recommends approval of the plat.

**Public Notification:**

Newspaper notice was published in the Cedar Park-Leander Statesman on November 7, 2012.

9 letter notices were sent to property owners within 200 feet of the subject property.

To date, no comments have been received.

November 20,  
2012

Subdivision

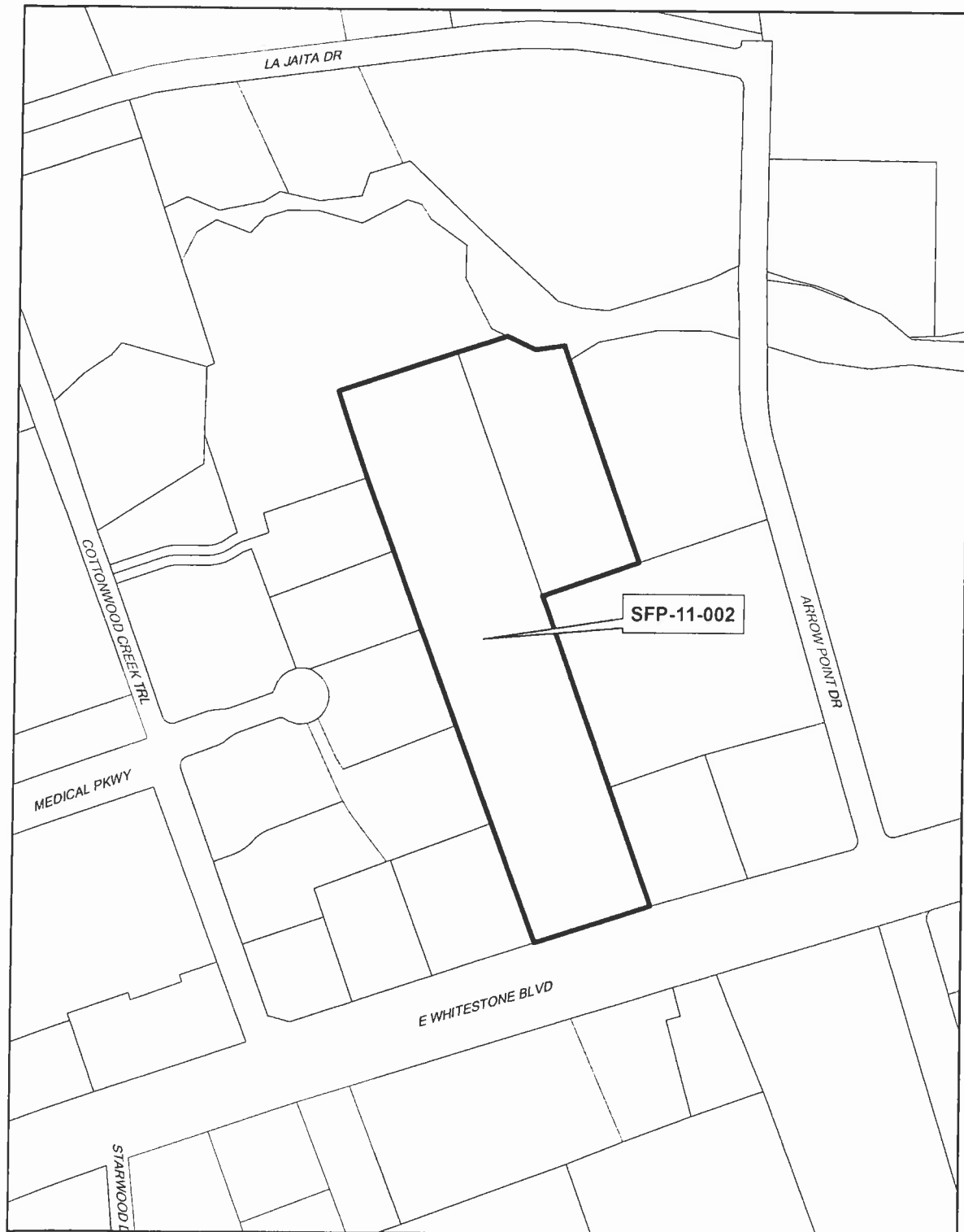
*Planning and Zoning Commission*

**Victory Baptist Church**

**Item:#**

**10D**

**Case Number: SFP-11-002**



November 20, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	<b>Abrantes Preliminary Plan</b>	<b>10E</b>
<b>Case Number: PP-12-005</b>		

**OWNER:** Creekside Park LTD/Alkire LLP

**AGENT:** Geoff Guerrero, Carlson Brigrance and Doering

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Arrow Point Drive south of East Whitestone Boulevard

**COUNTY:** Williamson

**AREA:** 61.73 acres

**ZONING:** SF-1 and GO

**SUBDIVISION DESCRIPTION:** 91 single family lots, 1 commercial lot, 2 landscape lots, 2 drainage/water quality lots, 4 private street lots

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The Abrantes Preliminary Plan is being presented for approval. Prior to approval of the plat, the Commission must consider a variance to Chapter 12, Subdivision Ordinance, Section 12.12.003(D) Access to Lots which states that each lot in a subdivision shall abut an existing or proposed public street. The Abrantes Subdivision proposes private streets.

Section 12.12.019 is the Subdivision Ordinance's general variance provision states:

(a) The Planning and Zoning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the planning and zoning commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and expected type and volume of traffic.

(b) No variance shall be granted unless the Planning and Zoning commission finds that all of the following are met:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application at the provisions of this chapter would deprive the applicant of the reasonable use of his land; and

(2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants; and

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area (an area encompassing approximately a 200-foot radius); and

November 20, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	<b>Abrantes Preliminary Plan</b>	<b>10E</b>
<b>Case Number: PP-12-005</b>		

(4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter.

(5) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

**Staff Commentary:**

**Staff recommends the variance based upon the following analysis:**

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and

**The proposed subdivision straddles Spanish Oak Creek, creating a special condition affecting the land. By allowing private streets, Glacial Stream Lane may be constructed at a smaller cross-section, reducing the impact to the creek and the identified flood area.**

- (2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and

**The applicant wishes to create a single family subdivision, consistent with the single-family zoning designation on the property. Article 12.14 of the Subdivision Ordinance provides allowances for the use of private streets and gated subdivisions. The proposed preliminary plan complies with the regulations of this Article.**

- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area (an area encompassing approximately a 200-foot radius); and

**The allowance of private, gated streets within the subdivision will eliminate the possibility of cut-through traffic from East Whitestone Boulevard to the existing Creekview and Silverado West residential subdivisions south and east of the subject tract. Emergency access to the residences in the proposed subdivision would be provided via access easements established within the private streets. Access to public streets is provided for all adjacent properties.**

- (4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter.

**The applicant proposes to develop the subdivision in accordance with the provisions of Article 12.14 of the Subdivision Ordinance regarding private streets and gated subdivisions, allowing orderly development of the tract. In addition, land in the vicinity is**

November 20, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	<b>Abrantes Preliminary Plan</b>	<b>10E</b>
Case Number: PP-12-005		

predominantly developed, and the granting of this variance will not prevent the orderly development of the remaining undeveloped tracts in the area.

- (5) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

**Article 12.14 of the Subdivision Ordinance provides allowances for the use of private streets and gated subdivisions. The proposed preliminary plan complies with the regulations of this Article. There is no pecuniary hardship present as the applicant would be required to construct the roads regardless if they are public or private to serve the lots created in the subdivision.**

**Staff Recommendation:**

Staff supports the applicant's request to allow lots within the proposed subdivision to abut private streets. Staff recommends approval of the private street variance and subsequently, recommends approval of the preliminary plan.

As a supplement, staff would recommend a condition or assurance to the request that if the roads became public, there would be an assurance, via easement or similar instrument, that the roads could be widened to collector road specifications in the future without condemning property.

**Public Notification:**

Newspaper notice was published in the Cedar Park-Leander Statesman on November 7, 2012.

68 letter notices were sent to property owners within 200 feet of the subject property.

To date, staff has received one phone inquiry regarding the variance and one written response in opposition to allowing through traffic from 1431 to Glacial Stream Lane within the Creekview neighborhood, south of the subject tract. (Please see below) Staff has informed Ms. Renelt that the proposed private streets would not permit through traffic from 1431 to the Creekview neighborhood.

November 20,  
2012

*Planning and Zoning Commission*

**Item:#**

Subdivision

**Abrantes Preliminary Plan**

**10E**

**Case Number: PP-12-005**

**From:**

Deb Renelt

**Sent:**

Thursday, November 15, 2012 2:36 PM

**To:**

Amy Link

**Subject:**

Subdivision File #: PP-12-005

Joseph and Debra Renelt, 532 Glacial Stream Lane

We are NOT in favor of allowing access to 1431 for the Abrantes Subdivision. Glacial Stream Lane is not wide enough to handle the additional traffic of opening the road. The increase traffic will put our children and health at risk. All the children from this neighborhood walk, bike, or are driven to school as we are in walking distance to all the schools more traffic means increase crossing guards and police officers - which means more taxpayer money. There are wide well equipped roads like Vista Ridge that don't have houses on that this subdivision can use to get to schools, work etc. Please feel free to contact us with any questions.

Thank you

Deb Renelt



November 20,  
2012

Subdivision

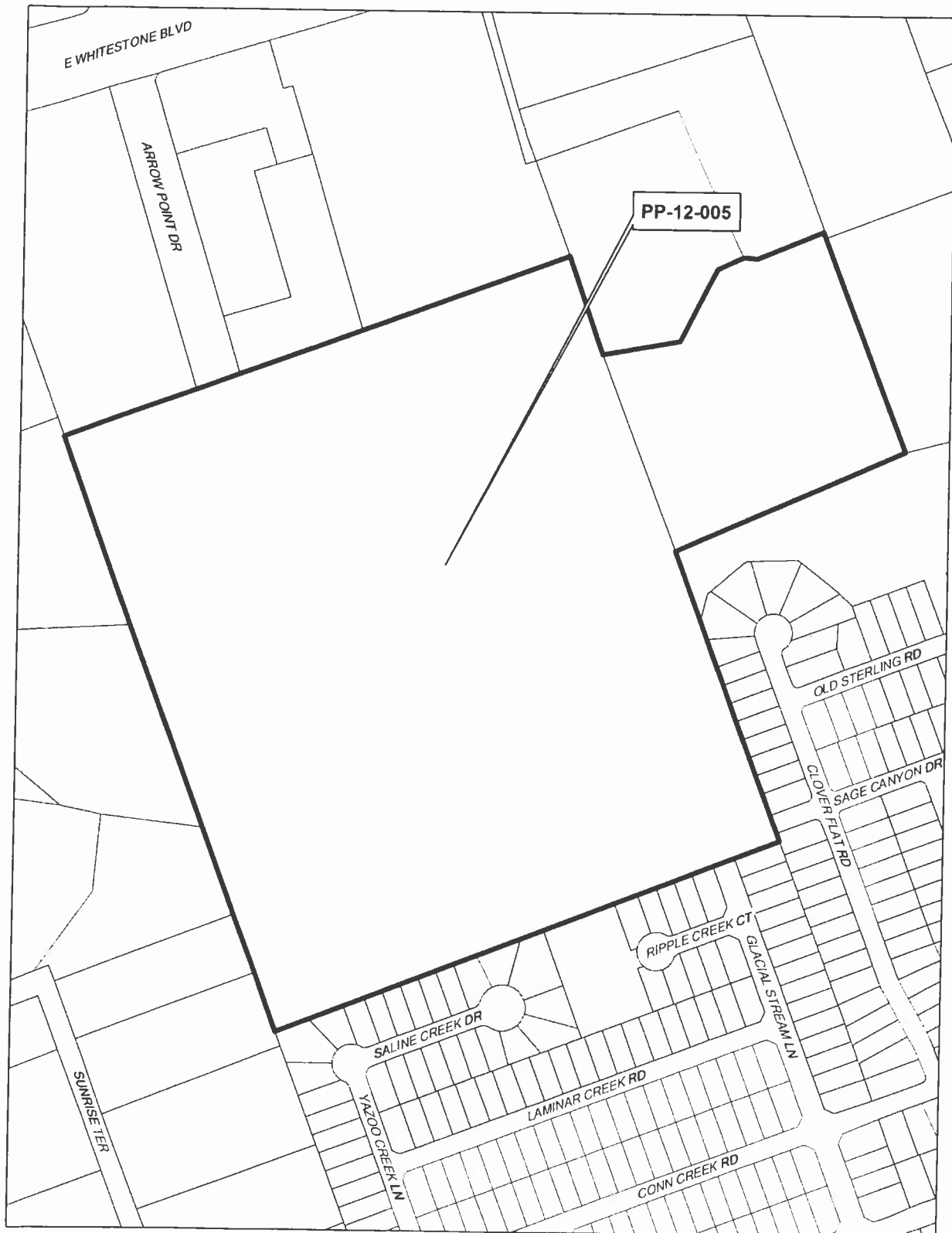
*Planning and Zoning Commission*

**Abrantes Preliminary Plan**

**Item:#**

**10E**

**Case Number: PP-12-005**



November 20,  
2012

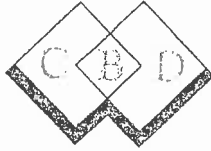
Subdivision

# Planning and Zoning Commission

## Abrantes Preliminary Plan

Item:#  
10E

Case Number: PP-12-005



Carlson, Brigance & Doering, Inc.  
Civil Engineering • Surveying

November 15, 2012

City of Cedar Park  
Planning & Zoning Commission  
Attn: Mr. Nicholas Kauffman, Chair  
450 Cypress Creek Road, Building 4  
Cedar Park, Texas 78613

RE: Abrantes Subdivision Preliminary Plan  
CBD # 4514 / Cedar Park File # PP-12-005

**Request for Variance for Lot Access Abutting on an Existing or Proposed Public Street**

Dear Mr. Kauffman,

On behalf of our client, RJ Madden, Inc., Carlson, Brigance & Doering, Inc. respectfully submits this request for a variance to the requirement that each lot must abut an existing or proposed street for access as defined in Section 12.12.003(d) of the City of Cedar Park Code of Ordinances. In support of this request, please find the following findings of fact:

*There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.* The intent of the Abrantes Subdivision is to be a private gated community in which the streets are identified as lots by plat and maintained by the homeowner's association. All lots within the subdivision will abut the private streets and would therefore continue to have on site and offsite access from their property. The lots will be an average size of 13,500 square feet (90' x 150') and have an average starting home price of \$600,000. The Abrantes subdivision will provide an executive level community the Cedar Park area needs. Buyers into this project will do so with the understanding that the homeowner's association will be responsible for the upkeep of the subdivision roadways to City of Cedar Park standards per Code.

*That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants.* Private streets will provide the residents of the Abrantes community with an exclusive address and enjoyment of amenities unique to the property. The allowance of private streets within the limits of the Abrantes Subdivision would not negatively affect traffic circulation on public streets either. Arrow Point Drive is the planned main tie-in to the Abrantes Subdivision and is indicated as a major planned arterial roadway through this region according to the City of Cedar Park's Arterial Map. However the Creek View and Silverado West developments in the immediate area have not created roadways that would provide an opportunity for Arrow Point Drive to be extended. Residential traffic in both of these

November 20,  
2012

Subdivision

## Planning and Zoning Commission

### Abrantes Preliminary Plan

Item:#

10E

Case Number: PP-12-005

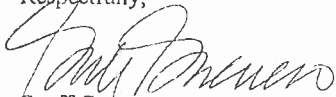
neighborhoods has clear all-direction access to existing minor arterial roadways in East Park Drive and Vista Ridge Boulevard which in turn provide access to RR 1431 (Whitestone Boulevard) and the 183A tollway. (REF: Exhibit Map 1)

*That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area (an area encompassing approximately a 200-foot radius).* The allowance of private streets within the limits of the Abrantes Subdivision would not negatively affect traffic circulation on public streets; nor would it delay the response time of emergency vehicles and therefore impair public health, safety or welfare. The Abrantes Subdivision lies between Cedar Park Fire Department Fire Stations One (503 Brushy Creek Road) and Four (150 Church Park Road). The most direct route for either of these stations to respond to an emergency in the Creek View or Silverado West neighborhoods is from the south – not via FM 1431. This demonstrates emergency access through the proposed Abrantes Subdivision to be unnecessary and impractical (REF: Exhibit Map 3). There are also no public facilities including schools, parks and libraries within the immediate area (REF: Exhibit Map 1).

*The granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter.* The allowance of private streets within the limits of the Abrantes Subdivision would not impair access to property either on site or offsite of the subdivision. The subject property abuts existing single-family subdivisions to the west, south and east and commercial property to the north. All properties surrounding the Abrantes Subdivision has fee simple access to a public right-of-way. (REF: Exhibit Map 2)

Thank you for your time and review of this variance request. Your support and approval of the variance is greatly appreciated.

Respectfully,



Geoff Guerrero

Zoning and Construction Development Manager

CC: Any Link – Senior Planner

Attachments: Exhibit Maps 1-3

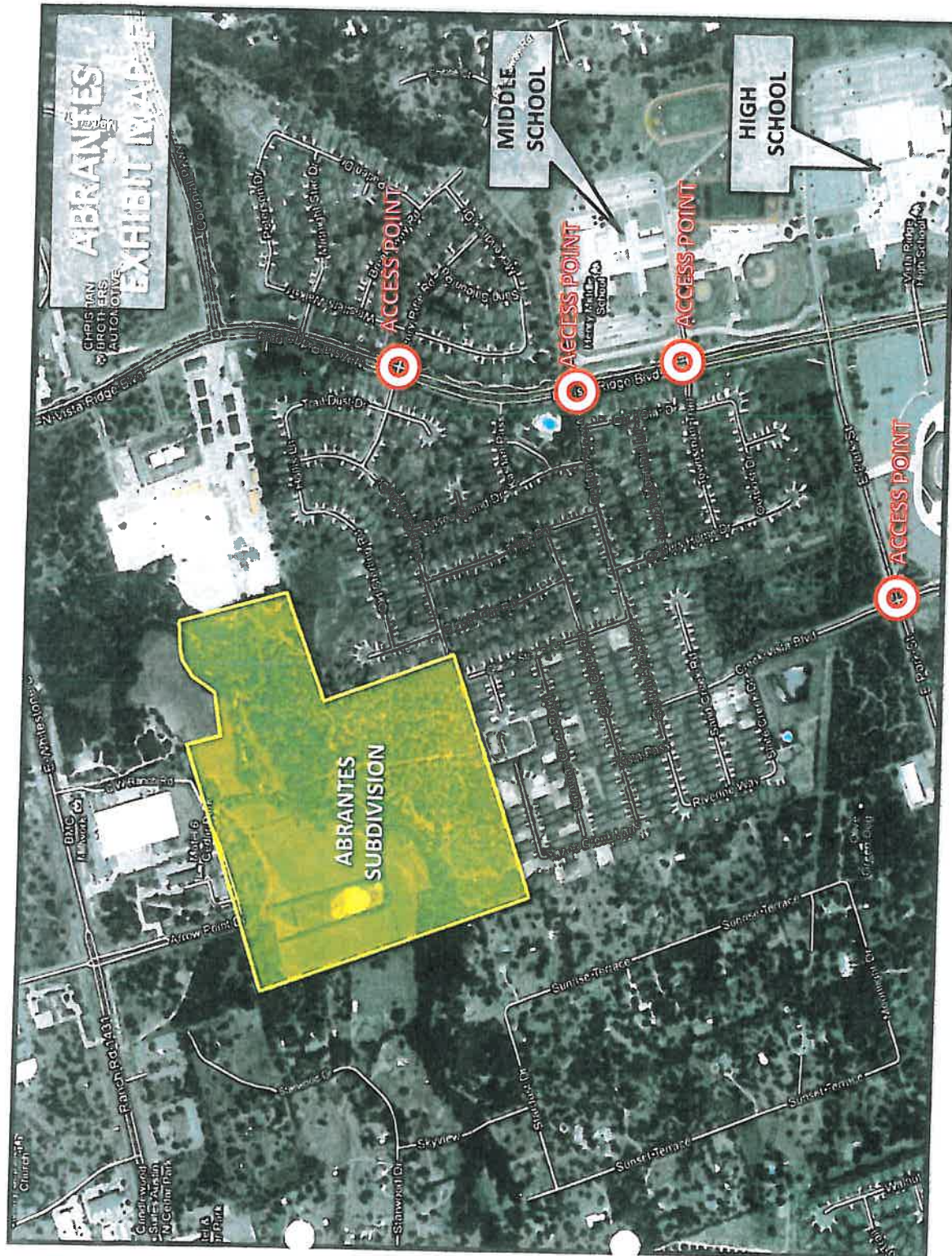
November 20,  
2012

Subdivision

*Planning and Zoning Commission*  
**Abrantes Preliminary Plan**

**Item:#**  
**10E**

**Case Number: PP-12-005**



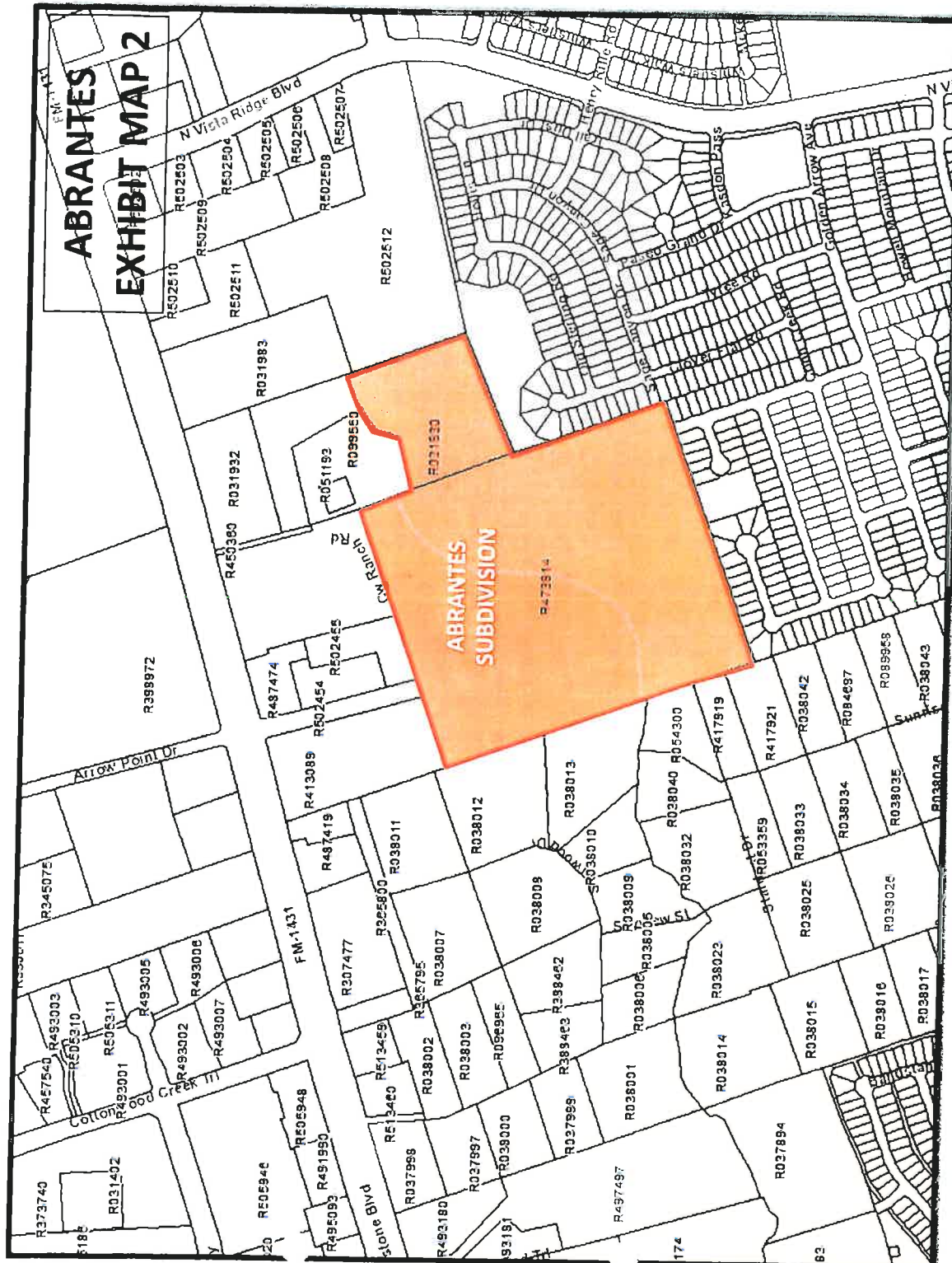


Subdivision

## Abrantes Preliminary Plan

**Item:#**  
**10E**

**Case Number: PP-12-005**



37



Subdivision

## Planning and Zoning Commission

## Abrantes Preliminary Plan

**Item:#**

10E

**Case Number: PP-12-005**



November 20, 2012	<i>Planning and Zoning Commission</i>	Item: <b>12A1</b>
Ordinance Amendment	<b>Ordinance Amendment - Zoning Chapter 11 Regarding Establishment of an Entertainment Center Overlay</b>	
<b>OA-12-005</b>		

**STAFF:** Rawls Howard, 401-5066, [rawls.howard@cedarparktexas.gov](mailto:rawls.howard@cedarparktexas.gov)

City Council has expressed interest in establishing an overlay district surrounding the Cedar Park Event Center to guide development in the area. This amendment focuses on uses to be permitted within the Overlay. Staff is presenting the following language for discussion and possible action.

---

**DIVISION 37: ~~LAND USE CHART COMPARISON~~ ENTERTAINMENT CENTER OVERLAY, ECO**

**Sec. 11.02.324 Purpose**

The Entertainment Center Overlay (“ECO”) is established to provide additional regulations supplemental to the designated underlying zoning district for greater control over the aesthetic and functional characteristics of development in the area surrounding the Cedar Park Center. This center serves as a regional entertainment facility for the City and the region, where higher development standards can effectively enhance the functionality, appearance, and economic vitality of the Cedar Park Center and the area immediately surrounding it. The regulations of the ECO would be in addition to those established in the designated underlying zoning district.

**Sec. 11.02.325 Entertainment Center Overlay boundaries**

The ECO standards set forth in this Division apply to development and use of all land as identified on the City’s Planning and Zoning Map as designated therein.

**Sec. 11.02.326 Uses permitted**

The following uses are permitted in the ECO either by right or by CUP, as designated in the table below; provided, however, the use must be permitted within the underlying zoning district. Any use not listed in this table is not permitted within the ECO.

November 20,  
2012

## Planning and Zoning Commission

Item:  
12A1

Ordinance  
Amendment

### Ordinance Amendment - Zoning Chapter 11 Regarding Establishment of an Entertainment Center Overlay

OA-12-005

Use*	Permitted by Right	Permitted by CUP
Administrative Offices <sup>1</sup>	X	
Art Gallery	X	
Art Gallery with retail sales	X	
Art Studio	X	
Automatic Teller Machines	X	
Bakery, retail <sup>2</sup>	X	
Bar	X	
Bed and Breakfast	X	
Commercial Parking Lots		X
Concert Halls and Meeting Rooms	X	
Convenience Store <sup>2</sup>		X
Food Sales, limited	X	
Historic Landmark	X	
Hotel	X	
Indoor Sports and Recreation	X	
Medical Offices <sup>1</sup>	X	
Motel		X
Outdoor sports and recreation		X
Professional Offices <sup>1</sup>	X	
Places of Worship	X	
Residential Over Commercial/Office		X
Restaurant, General <sup>2</sup>	X	
Restaurant, Limited <sup>2</sup>	X	
Retail Gift Store	X	
Retail Store		X
Special Events	X	
Theaters, Indoor	X	
Theaters, Outdoor	X	
Transit Station		X

<sup>1</sup> Office use shall be limited to 25% of the total land area within the entire ECO, based on footprint of the building.

<sup>2</sup> Drive thru services are prohibited



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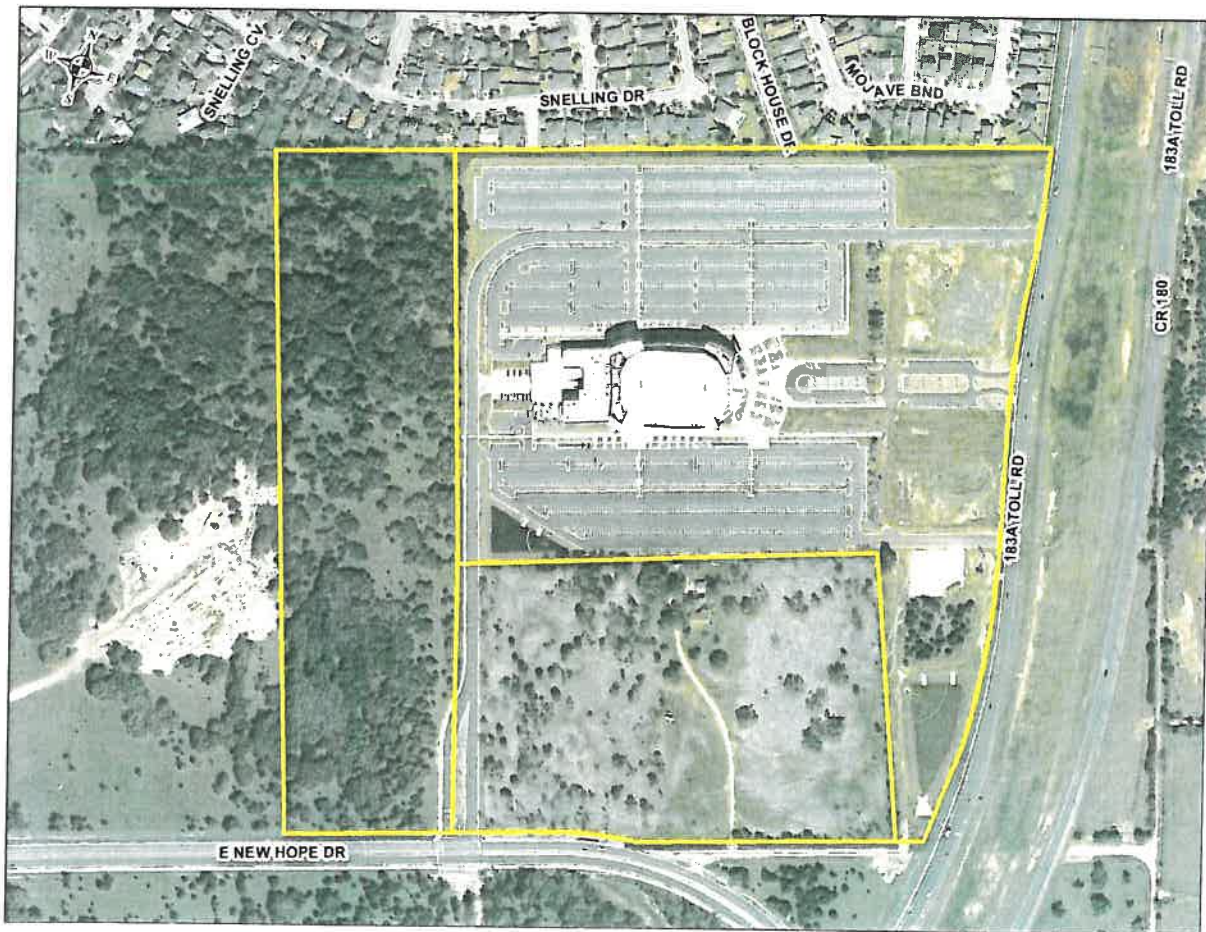
### **Ordinance Amendment - Zoning Chapter 11 Regarding Establishment of an Entertainment Center Overlay**

**OA-12-005**

As a result of renaming Division 37 to establish the Entertainment Center Overlay, a new Division 38 has been created and the Land Use Chart Comparison table will be moved to this new Division 38. The only modification will be to the Division; all Section numbers will remain the same.

#### **DIVISION 38: LAND USE CHART COMPARISON**

#### **Entertainment Center Boundary Map**



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Ordinance Amendment	<b>Ordinance Amendment - Zoning Chapter 11 Regarding Modifications to Variance Criteria</b>	
<b>OA-12-006</b>		

**STAFF:** Rawls Howard, 401-5066, [rawls.howard@cedarparktexas.gov](mailto:rawls.howard@cedarparktexas.gov)

In an effort to further clarify the variance criteria within the Zoning Ordinance (Chapter 11) and align with state law and documented case law, staff is recommending some modifications to the existing language for variance criteria within the Zoning Ordinance.

Currently, there are two sets of variance criteria within the Zoning Ordinance. Article 11.03 Height, Setback and Lot Requirements for All Districts, Division 2: Variances to Building Setbacks and Lot Standards establishes criteria specifically for variance requests from the lot standards established in Article 11.03. In addition, this Section establishes variance notice and procedure requirements. Article 11.10 Boards and Commissions, Division 1: Board of Adjustment establishes variance criteria that must be considered for any deviation from the provisions of the Zoning Ordinance.

The proposed amendments would eliminate the variance criteria established in Article 11.03 and would relocate the notice and procedure requirements into Article 11.10. In addition, the variance criteria established in Article 11.10 would be revised to comply with state law and case law.

The proposed revisions are outlined below.

## ARTICLE 11.03 HEIGHT, SETBACK AND LOT REQUIREMENTS FOR ALL DISTRICTS

### ~~DIVISION 2: VARIANCES TO BUILDING SETBACKS AND LOT STANDARDS~~

#### ~~Sec. 11.03.013 — General~~

~~A. — The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board of Adjustment shall prescribe only conditions that it deems necessary to or desirable in the public interest.~~

~~B. — No variance shall be granted unless the Board of Adjustment finds that all of the following are met:~~

- ~~1. — That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area (an area encompassing approximately a two hundred (200) foot radius); and~~

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~~2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property; and~~

~~3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this Chapter.~~

~~C. Such findings of the Board of Adjustment, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Board of Adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.~~

~~D. All requested variances from this Chapter shall be made in writing at least thirty (30) working days prior to the date on which consideration is to be given by the Board of Adjustment. Submittal shall be made to the Planning and Transportation Department.~~

~~E. The Board of Adjustment shall hold at least one (1) public hearing on each application:~~

~~— Written notice of all public hearings on proposed variances shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.~~

~~Notice of all public hearings on proposed variances shall also appear in the local newspaper of general circulation within not less than ten (10) days before such hearing is held.~~

~~F. Positive action by the Board of Adjustment shall be recorded in the County Clerk's Office.~~

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## ARTICLE 11.10 BOARDS AND COMMISSIONS

### DIVISION 1: BOARD OF ADJUSTMENT

#### Sec. 11.10.008 Limitations on the authority of the Board

A. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought.

B. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.

C. The Board shall not grant ~~a request for~~ any variance to any parcel of property or portion thereof prior to upon which submission of a Site Plan, Preliminary Plan, or Final Plat, where required, ~~has not been finally acted upon by both the Planning and Zoning Commission and, where required, by the City Council.~~

#### Sec. 11.10.009 Variance

A. "Variance" shall mean a deviation from the literal provisions of this Chapter which is granted by the Board when strict conformity to this Chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted. The Zoning Board of Adjustment may grant a variance from this Chapter if it makes written findings that:

1. There are special conditions unique to the property, such as lot size, shape, orientation, topography or other physical features, that are not generally characteristic of other properties in the area; and
2. Due to these special conditions, strict application of this Ordinance would deprive the applicant of reasonable use of the property and would result in an undue hardship; and
3. The undue hardship is not self-induced or created by the applicant, nor is it strictly pecuniary/financial; and

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4. Development under the variance would not alter the character of the area adjacent to the property, impair the use of adjacent property developed in compliance with this Ordinance, or impair the purposes of the regulations of the zoning district in which the property is located; and
5. Granting the variance request would not be contrary to the public interest or detrimental to the public health, safety, or welfare; and
6. Granting the variance request would be within the spirit of the Ordinance and result in substantial justice.

~~1. the requirement does not allow for a reasonable use of the property;~~

~~2. the hardship for which the variance is requested is owing to a special condition inherent in the property itself, such as restricted area, shape, topography or physical features; 3. the special condition is unique to this property and is not generally characteristic of other parcels of land in the area; and 4. development under the variance does not:~~

~~a. alter the character of the area adjacent to the property;~~

~~b. impair the use of adjacent property that is developed in compliance with the City requirements; or~~

~~c. impair the purposes of the regulations of the zoning district in which the property is located. B. A variance may not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in districts with the same zoning classification.~~

B. In granting a variance, the Board of Adjustment may impose such additional conditions if necessary and desirable in the public interest.

C. The applicant bears the burden of proof in establishing the facts justifying a variance.

DC. Such findings of the Board of Adjustment, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Board of Adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety and welfare may

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be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

ED. All requested variances from this Chapter shall be made in writing at least thirty (30) working calendar days prior to the date on which consideration is to be given by the Board of Adjustment. Submittal shall be made to the Planning and Transportation Development Department Services Department.

EFE. The Board of Adjustment shall hold at least one (1) public hearing on each application:

Written notice of all public hearings on proposed variances shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.

Notice of all public hearings on proposed variances shall also appear in the local newspaper of general circulation within not less than ten (10) days before such hearing is held.

GF. Positive action by the Board of Adjustment shall be recorded in the County Clerk's Office.

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## Planning and Zoning Commission

Item:  
**12A3**

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### Ordinance Amendment - Subdivision Ordinance Chapter 12 Regarding Modifications to Flag Lot Provisions and Variance Criteria

**OA-12-006**

**STAFF:** Rawls Howard, 401-5066, [rawls.howard@cedarparktexas.gov](mailto:rawls.howard@cedarparktexas.gov)

As a result of recent variance requests regarding flag lots, staff is proposing revisions to Section 12.12.010 Lot Arrangements, specifically to Section 12.12.010(a)(7) regarding flag lot criteria. Based upon feedback from City Council, staff is proposing to allow the Development Services Director, or designee, to approve flag lots in certain situations.

In addition, staff proposes to amend the variance criteria established in Section 12.12.019 of the Subdivision Ordinance to more closely follow state law and documented case law.

Proposed amendments are provided below.

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#### **Sec. 12.12.010 Lot arrangements**

(a) Lot size, width, etc.

- (1) On the basis of the land district (single-family, residential, duplex, multifamily, commercial, retail, office, mobile home, industrial, etc.) in which they lie and the use to which they are to be put, all lots or tract sizes must conform to the regulations of the zoning ordinance, including minimum area, width and depth.
- (2) Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two-and-one-half (2-1/2) times. Irregular shaped lots shall have sufficient width at the building line to meet frontage requirements for the appropriate zoning district.
- (3) In general, the sidelines of lots in subdivisions shall be approximately at right angles to straight street lines or radial to curved street lines.
- (4) Residential lot arrangements that face adjacent lots at right angles with one another shall be avoided.
- (5) Lot depths that exceed three (3) times the width of the lot shall be prohibited.
- (6) Lot lines shall be arranged to avoid unusable areas such as long, narrow areas, sharp acute angles or flag lots.

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### **Ordinance Amendment - Subdivision Ordinance Chapter 12 Regarding Modifications to Flag Lot Provisions and Variance Criteria**

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(Ordinance CO42-07-07-12-3I adopted 7/12/07)

(7) Flag lots are prohibited unless:

(A) The proposed lot configuration is needed to abate an acute topographical condition or other unusual property accessibility constraint not created by the applicant; or

(B) The proposed lot is located within the RA Rural Agricultural District or the ES Estate Lot Residential District or for lots under two (2) acres within the city's ETJ; or

(C) The unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard lot configuration.

(D) Where any of the above items are present, the ~~planning and zoning commission~~ Development Services Director or their designee, may allow the proposed flag lot configuration, provided the following conditions are met:

(i) The proposed lot does not circumvent the normal platting of streets for public and emergency access;

(ii) The proposed lot does not prevent the extensions of streets to adjacent property;

(iii) The proposed lot width is not less than fifty (50) feet in width at its frontage connection with the adjacent public or approved private street; and

(iv) The narrow or elongated part of the proposed lot 'pole' does not exceed one hundred (100) ft. in length, measured from the connecting street frontage to where the lot widens into a 'flag' shape to receive a suitable building area where a building setback line shall be established; nor shall more than two (2) adjacent neck lots be connected.

(E) Where all of the foregoing requirements are not met, ~~but the proposed lot configuration does not circumvent the normal platting of streets for public and~~

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~~emergency access and the proposed lot does not prevent the extensions of streets to adjacent property and/or a variance request is denied by the Development Services Director or their designee,~~ the Planning and Zoning Commission may authorize a variance from these regulations pursuant to Section 12.12.019 of this Chapter.

#### Sec. 12.12.019 Variances for design standards

(a) The Planning and Zoning Commission may ~~authorize grant~~ a variance from these regulations ~~if it finds that all of the following are met: when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning and zoning commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the planning and zoning commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and expected type and volume of traffic.~~

~~(b) No variance shall be granted unless the planning and zoning commission finds that all of the following are met:~~

~~(1) That—T~~there are special ~~circumstances or conditions~~ unique to the property affecting the land involved, such as lot size, shape, orientation, topography, or other physical features, that are not generally characteristic of other properties in the area; such that the strict application at the provisions of this chapter would deprive the applicant of the reasonable use of his land; and

~~(2) Due to these special conditions, strict application of this Ordinance would deprive the applicant of reasonable use of the property and result in an undue hardship; and~~

~~(3) The undue hardship is not self-induced or created by the applicant, nor is it strictly pecuniary/financial; and~~

~~(4) That—T~~the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants; and

~~(5) That—the g~~Granting of the variance will not be contrary to the public interest or detrimental to the public health, safety or welfare ~~or injurious to other property or~~

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~~public facilities in the area (an area encompassing approximately a 200-foot radius);~~  
and

(64) ~~That the g~~Granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ~~C~~chapter; ~~and~~.

(7) Granting of the variance would be within the spirit of the Ordinance and would result in substantial justice.

~~(5) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.~~

(b) In granting a variance, the Planning and Zoning Commission may impose such additional conditions if necessary and desirable in the public interest.

(c) Such findings of the Planning and Zoning Commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Planning and zoning eCommission meeting at which such variance is granted. ~~Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done.~~

(d) All requested variances from this chapter shall be made to the Planning Department in writing at least thirty (30) working days prior to the date on which consideration is to be given by the planning and zoning eCommission. ~~Submittal shall be made to the planning department.~~

(e) The Planning and Zoning Commission shall hold at least one public hearing on each application:

(1) Written notice of all public hearings on proposed variances shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.

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(2) Notice of all public hearings on proposed variances shall also appear in the local newspaper of general circulation within not less than ten (10) days before such hearing is held.

(fg) Positive action by the ~~p~~Planning and ~~Z~~zoning ~~e~~Commission ~~or city council~~ shall be recorded in the ~~C~~ounty ~~C~~lerk's office.

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# Planning and Zoning Commission

City of Cedar Park Initiated

Item:  
12A4

Case Number: OA-12-009

**STAFF:** Darwin Marchell, Director of Engineering, 401-5366,  
[darwin.marchell@cedarparktexas.gov](mailto:darwin.marchell@cedarparktexas.gov)

## **SUMMARY OF REQUEST:**

The Engineering Department is initiating revisions to the Subdivision Design Standards Code Section 12.12.004 on Sidewalks to include language providing the Director of Planning with authority to grant a sidewalk waiver when specific circumstances are met, and for general language clean-up.

## **STAFF COMMENTARY:**

The proposed revisions are as follows:

### **ARTICLE 12.12 DESIGN STANDARDS**

#### **Sec. 12.12.004 Sidewalks**

(a) ~~All sidewalks must be designed and constructed to meet the Texas Accessibility Standards administered by the state department of licensing and regulation and the Americans with Disabilities Act of 1990, as amended.~~

(b) ~~Sidewalks shall be provided unless a specific variance is approved by the planning and zoning commission and shall be located on both sides of all streets within and immediately adjacent to a proposed development~~ and shall be designed and constructed in accordance with the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation, Americans with Disabilities Act, Transportation Criteria Manual, Texas Accessibility Standards, and the City's Zoning Ordinance, Transportation Master Plan, and Hike and Bike Trails Master Plan, as amended.

(b) The Director of Planning may grant an administrative waiver for this sidewalk requirement if the proposed development meets the following criteria:

(1) The roadway fronting the proposed development is existing and categorized as a local residential roadway; and

(2) The existing roadway fronting the proposed development was constructed without raised curb and gutter; and

(3) The existing roadway fronting the proposed development has no existing sidewalks on either lot adjacent to the proposed development; and

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City of Cedar Park Initiated

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(4) The proposed development has provided a minimum ten foot (10') wide pedestrian easement along the frontage of the existing roadway fronting the proposed development for which the waiver is being requested.

(c) Any requested variance to the sidewalk requirements of this Section which is not eligible for a waiver by the Director of Planning as described in (c) must be approved by the Planning and Zoning Commission in accordance with Section 12.12.019 Variances for Design Standards.

(d) When the delay of sidewalk construction is deemed appropriate due to future right-of-way improvements, escrow funds in lieu of the construction of sidewalks may be approved by the public works Engineering Department. Such funds shall be escrowed with the City prior to the filing of the subdivision plat with the appropriate county clerk's office. If the tract has already been platted and filed, then the funds must be escrowed prior to final approval of a site plan. The escrow amount shall be determined by the square foot cost of constructing such sidewalk, as estimated by the Engineering Department.

~~(c) Rural subdivisions. Sidewalks are required on one side of the street for all rural residential subdivisions comprised of five (5) lots or greater, for three (3) or fewer lots no sidewalks are required.~~

~~(d) The sidewalk construction specifications shall be in accordance with the transportation criteria manual, Texas Accessibility Standards, zoning ordinance, transportation master plan and the recreational trails system plan.~~

**STAFF RECOMMENDATION:** To approve staff's proposed language revisions to the Design Standards Section of the Subdivision Ordinance pertaining to Sidewalks.